

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF IOWA  
3 WESTERN DIVISION

4	XCENTRIC VENTURES, LLC, an	)	
	Arizona limited liability	)	
5	company; and ED MAGEDSON, an	)	
	individual,	)	No. 15-CV-4008-LTS
6		)	
	Plaintiffs,	)	
7		)	
	vs.	)	
8		)	
	BEN SMITH, in his individual	)	DEPOSITION OF
9	capacity as Sac County	)	
	Attorney,	)	BEN SMITH
10		)	
	Defendant.	)	
11	-----	)	

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13 THE DEPOSITION OF BEN SMITH, taken  
14 before Stephanie J. Cousins, Registered  
15 Professional Reporter and Notary Public,  
16 commencing at 9:04 a.m., June 7, 2016, at  
17 Stuart Tinley Law Firm, 310 West Kanesville  
18 Boulevard, Second Floor, Council Bluffs, Iowa.

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23 Reported by: Stephanie J. Cousins, R.P.R.

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1 subpoenas?

2 A. I wouldn't say that he wrote  
3 like -- he suggested language. And I don't  
4 have the warrant in front of me, but my  
5 recollection is -- and I think that I  
6 identified that in discovery for you guys -- I  
7 thought I had anyway, where did the information  
8 come from.

9 Q. And did you do that from memory, or  
10 did you do it just by looking at it and saying,  
11 I think this came from here and this came from  
12 there?

13 A. Is there a difference?

14 Q. Yeah. Because if you had the metadata  
15 from the warrant, then, you would be able to  
16 see who wrote what and when it was inserted and  
17 things like that.

18 A. Sure. Uh-huh. I just -- I did it  
19 from the best of my recollection.

20 Q. Okay. Let's talk about the documents  
21 that you let people download. How many people  
22 downloaded documents pertaining to the Ripoff  
23 Report?

24 A. I think it was -- the best of my  
25 recollection, it was just -- it was Brewington,

1 Roberts, and possibly Scott Connelley.

2 Q. When did Brewington -- what period of  
3 time would he have been downloading documents  
4 over?

5 A. Just that once with the bank records.  
6 That's my recollection. I don't -- I don't  
7 believe it was anything more than just that one  
8 time.

9 Q. Did you give him access to any  
10 e-mails?

11 A. I don't recall giving him access to  
12 e-mails.

13 Q. Do you remember the name Stick Bogart?

14 A. I remember the name Stick Bogart  
15 barely.

16 Q. And do you remember reviewing any  
17 e-mails between Stick and Ed Magedson  
18 pertaining to Stick's domestic life, his wife?

19 A. I think I know what you're referring  
20 to. I know what you're referring to. And  
21 those e-mails were provided to me by John  
22 Brewington -- No. I don't know who they were  
23 provided by, but -- I don't recall. It wasn't  
24 of any interest to me. I don't know anything.  
25 I don't really remember anything about that,